

Date of Hearing: April 2, 2013

ASSEMBLY COMMITTEE ON VETERANS AFFAIRS

Al Muratsuchi, Chair

AB 372 (Eggman) – As Amended: March 21, 2013

SUBJECT: Civil service: veterans' preference in hiring.

SUMMARY: This bill changes the way veterans preference is handled in state employment. Specifically, this bill:

- 1) Deletes the specific treatment of veteran applicants for police or watchmen positions.
- 2) Defines certain terms:
  - a) "Veteran" has the same meaning as defined in Section 18540.4.
  - b) "Disabled veteran" has the same meaning as defined in Section 18541.
  - c) "100 percent disabled veteran" means any veteran as defined in this section who is currently declared by the United States Veterans Administration to be 100 percent disabled as a result of his or her service
- 3) Deletes the existing point system for awarding veterans preference points.
- 4) Mandates that whenever any veteran, widow or widower of a veteran, or spouse of a 100 percent disabled veteran achieves a passing score on an entrance examination, he or she shall be ranked in the top rank of the resulting eligibility list.
- 5) Prohibits application of the preference to any veteran who has been dishonorably discharged or released.
- 6) Deletes the provisions of Government Code Section 18978 pertaining additional points for military law enforcement trained applicants to peace officer positions.
- 7) Deletes the provisions of Government Code Section 18979 pertaining to appointment preference order for the Disabled Veteran Outreach Program (DVOP).

EXISTING LAW: Provides for a competitive examination process for most state employment. Applicants take some kind of examination; Examinations shall be competitive and of such character as fairly to test and determine the qualifications, fitness, and ability of competitors actually to perform the duties of the class of position for which they seek appointment. Applicants who take an examination receive a score. Examinations have a passing score.

Veterans who have not received a dishonorable discharge and certain others related to them may have points added to their scores, as follows: Disabled veterans, 15 points; veterans, 10 points, widows or widowers of veterans; and spouses of 100 percent disabled veterans, five points. All ties shall be decided in favor of veterans and widows or widowers of veterans.

Applicants are ranked according to their scores into six ranks. The first rank shall consist of eligibles who receive a score of 95 percent or higher. The second rank shall consist of eligibles who receive a score of 90 to 94 percent. The third rank shall consist of eligibles who receive a

score of 85 to 89 percent. The fourth rank shall consist of eligibles who receive a score of 80 to 84 percent. The fifth rank shall consist of eligibles who receive a score of 75 to 79 percent. The sixth rank shall consist of eligibles who receive a score of 70 to 74 percent. In general, applicants must be hired first from the top three ranks and are said to be "reachable."

Current law specifies a separate preference order for the DVOP.

Current law gives extra points for military law enforcement trained personnel who apply to peace officer positions.

FISCAL EFFECT: Unknown at this time.

COMMENTS: According to the author:

The current process does not provide any advantage to veterans who pass the exam but do not score in the highest three ranks, and have the minimum qualifications for the job, because they will never be in the higher ranks on the list. As a result the true objective, to get veterans jobs in state government, is frustrated.

- This legislation will ensure that more veterans will be competitive for state positions by allowing veterans who pass exams to automatically be placed in the top rank.
- Preferences for veterans are set in Government Code and are under the purview of CalHR.
- The merger of the State Personnel Board (SPB) and the Department of Personnel Administration (DPA) into the new California Department of Human Resources (CalHR) has prompted a desire to streamline rules and regulations and to simplify the hiring process.

The proposal eliminates the entire point system as to veterans (including spouses and surviving spouses), so long as they pass the exam. Under the current system veterans are ranked in terms both of status (disabled veteran/veteran/surviving spouse/military law enforcement) combined with their performance on the exam. Under the new system, the different amount of points awarded based on status to disabled vets, non-disabled vets, and surviving spouses is eliminated, as is the ranking in terms of actual performance on the exam.

Thus, assuming passing scores:

- A vet who achieves the absolute minimum passing score and a vet who achieves the maximum score will be placed in the top rank;
- A disabled vet, a non-disabled vet, and a surviving spouse will all be placed in the top rank.

According to the author:

This proposal simplifies the system and gives every veteran, disabled veteran, and widow of a veteran an equal advantage. The revised law would provide simply that any one of

those individuals who passes an open examination would be automatically moved to the top rank of the list, meaning all of those individuals would be eligible for consideration for hire. With more reachable veterans, departments are more likely to find a veteran who meets the particular needs of the job they need to fill.

The proposal presents an evolution in policy and a balancing choice: It does simplify the current system. Further, it clearly would make more veterans and surviving spouses reachable assuming passing scores. At the same time it alters current policy which retains both the status and performance based aspects of the examination process. It also alters, within the status based part of current policy, the graduated award of points from surviving spouses to disabled veterans.

Proposed Amendments:

The author proposes to amend the bill after it is heard by this committee as follows:

1. The author did not intend to delete Government Code Section 18979. That deletion will be amended and the section should remain in code as is.
2. Findings and declarations were inadvertently deleted in the second version of the bill. The author intends to amend the bill to include findings and declarations in the form:

SECTION 1. The Legislature finds and declares the following:

- (a) Though unemployment has fallen among veterans nationwide, the unemployment rate of veterans of post-9/11 conflicts is 11.1 percent, exceeding that of the general population, which is 7 percent.
- (b) Educational attainment of veterans continues to rise, and there has been a significant increase in the post-9/11 era in the proportion of veterans who have completed bachelor's degrees.
- (c) The percentage of veterans in California with bachelor's degrees exceeds the national average.
- (d) Veterans tend to be enrolled in college at older ages than nonveterans, and are thus older than nonveterans when they enter the educated workforce.
- (e) It is the intent of the Legislature in enacting this act to expand employment opportunities for veterans and to improve the application of veterans' preferences in state hiring.

REGISTERED SUPPORT / OPPOSITION:

Support

American Legion-Department of California  
AMVETS-Department of California  
California Association of County Veterans Service Officers  
California State Commanders Veterans Council  
VFW-Department of California  
Vietnam Veterans of America-California State Council  
Veterans Democratic Club of Sacramento County

Opposition

None on file.

Analysis Prepared by: John Spangler / V. A. / (916) 319-3550